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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/028,276 02/24/98 ATSUMI

S 1701.73982

MMC1/0517

EXAMINER

BANNER & WITCOFF LTD  
11TH FLOOR  
1001 G STREET NW  
WASHINGTON, DC 20001-4597ENTRY J  
ART UNIT PAPER NUMBER2815  
DATE MAILED:

05/17/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/028,276	ATSUMI, SHIGERU	
	Examiner Jesse A Fenty	Art Unit M	2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

1) Responsive to communication(s) filed on 06 March 2000.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9, 13, 14 and 21-42 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9, 13, 14 and 21-42 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02/24/98 is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:

1. received.

2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_.

3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

15) <input type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	20) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the transistor connected to the input/output terminal absent any intervening elements must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu et al. (U.S. Patent No. 4,471,373).

In re claim 1 and 21-26, Shimizu (Figs. 1-3, 18) discloses a semiconductor integrated circuit device comprising a semiconductor substrate (10) on which a plurality of transistors (Q1, Q2, QE1, QE2, QE3) including gate insulation films of different thicknesses are formed; an input/output terminal (5) formed on the substrate, wherein a transistor (QE2) physically connected directly to the input/output terminal, absent any intervening elements, being one of the transistors other than a transistor having the thinnest gate insulation film.

In re claim 2, Shimizu discloses the device of claim 1, further comprising a power supply terminal (5), a transistor (QE3) connected directly to the power supply terminal being one of the transistors other than the transistor having the thinnest gate insulation film.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-9, 13-14 and 27-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. (U.S. Patent No. 4,471,373).

In re claims 3-9, 13-14 and 27-42, Shimizu (Figs. 1-3, 18) discloses the devices of claims 1 and 24 respectively, including a memory array (2), a decoder portion (3), an input/output circuit (4), and enhancement type MIS transistors having a high breakdown voltage structure, i.e. a thick gate oxide film, and terminals for external connections (5) (column 1, lines 63-68; column 2, lines 23-63). Shimizu discloses the use of thin gate oxide transistors for the 'read' operation of an EPROM device and thick gate oxide transistors used for the 'write' operation, as well as other peripheral circuits (column 2, lines 45-51) Shimizu does not expressly disclose a ground terminal connected to the power supply terminal, a regulator circuit or a level shifter circuit of which one of the transistors receiving a lower level signal is a transistor having the thinnest gate insulation film. However, it would have been obvious to one skilled in the art at the time of the invention to couple a power supply line to a respective ground line. With the use of thin gate oxide transistors and lower voltages in the memory array and thick gate oxide transistors with higher voltages for peripheral circuits with a decoder circuit in between, it would have been obvious to one skilled in the art at the time of the invention to construct other in between circuits for the purpose of creating a buffer between the low and high voltage regions of the circuit.

### ***Response to Arguments***

3. Applicant's arguments filed 03/06/00 have been fully considered but they are not persuasive.

Applicant argues that the invention of Shimizu does not disclose the claimed invention. The examiner respectfully disagrees. The language of the claimed invention claims transistors with gate oxides of different thicknesses on a substrate, with a transistor not having the thinnest thickness connected to an input/output terminal. The device of Shimizu discloses the same.

Shimizu (Column 2) describes the configuration of inner and peripheral circuits in which transistors with thin and thick gate oxides are formed. The peripheral circuits are connected to the input/output pads (5) via the transistors with the thicker gate oxide films.

Shimizu (Column 6, lines 66-68; column 7, lines 1-3) describe an interconnect layer for connecting the transistors having the thicker gate oxide thicknesses. The description in column 1 explains how the integrated circuit is connected and one skilled in the art will know that the thick gate oxide transistors of the peripheral circuits (4) are physically directly connected to the input/output (read/write) terminals (5). Shimizu does not disclose any intervening elements between these two regions. Those skilled in the art would know that an aluminum layer (31) for example as disclosed by Shimizu (Fig. 18) is a common and many times necessary component in device fabrication.

Secondly, as not stated in a previous rejection, the drawings do not disclose the claimed structure.

Thirdly, the disclosure is silent regarding the claimed novelty of the invention. Although the claim language is thoroughly anticipated by the cited prior art, if the

specification does not disclose the claimed invention, the claims could be rejected for violating lack of enablement 112, 1<sup>st</sup> paragraph rules.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse A Fenty whose telephone number is 703-308-8137. The examiner can normally be reached on M-F 9-5.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

JAF  
May 14, 2000



DAVID HARDY  
PRIMARY EXAMINER